

REMARKS

Upon entry of the present Reply, claims 5, 6, 8, 10, 17 and 18 are pending in the present application. Claims 5, 6, 10 and 17 are amended to depend on new claim 18, claim 8 is amended to depend on claim 6, and claims 4, 7 and 11-16 are cancelled. New claim 18 is added, to replace claim 1 which is cancelled. Support for the new claim may be found, for example, in the application as filed at page 8, lines 1-19 and in the claims as originally filed. Applicants respectfully submit that the claim amendments are fully supported in the application as filed and contain no new matter.

Reconsideration of the application and claims is respectfully requested based on the amended claims and the following remarks.

Rejections Over Prior Art

Claims 1-12 stand rejected as anticipated by, and claim 16 stands rejected as obvious over, Willard, US 4,689,230. Claim 13 stands rejected as obvious over Willard in view of Lozano, ES 2019044. Claim 14 stands rejected as obvious over Willard in view of Slaybaugh, US 3512990. Claim 15 stands rejected as obvious over Willard in view of Cole, US 3219464. Applicants respectfully traverse the rejections for at least the following reasons.

Applicants respectfully request consideration of the following points in support of the Applicants' position that the presently pending claims patentably distinguish the presently disclosed and claimed invention from the references cited in the Office Action to which the present Reply is responsive:

New Claim 18

New claim 18 combines elements of a number of dependent claims into a single claim. This claim is considered to fully distinguish over Willard, and the other cited references, since there is no recognition of the combination of steps used in a method for the reduction of acrylamide formation in foods. Applicants have submitted herewith several articles which together show that the presently

disclosed and claimed invention has been recognized in the food industry as a viable and economical method to reduce the formation of acrylamide in foods. Applicants respectfully submit that such a benefit would not have been recognized from the cited references, even in the combinations discussed in the Office Actions in prosecution of this application. Each of the three submitted items, and one previously submitted publication, are discussed briefly in the following.

In January, 2003, following filing of the priority application in Korea, the authors submitted a paper for publication entitled "A Novel Technique for Limitation of Acrylamide Formation in Fried and Baked Corn Chips and in French Fries", J. Food Science, Vol. 68, Nr. 4, 2003. This paper (referred to herein as "the inventors' paper") was included in Applicants' IDS submitted 13 February 2009.

Submitted in the present IDS is a recognition of the importance of the inventors' paper, "Recognizing Top JFS Papers", J. Food Science, Vol. 71, No. 6, 2006. As indicated in this editorial note, the inventors' paper was the number 1 cited paper in J. Food Science for all of 2003, having been cited by other researchers a total of 46 times in subsequent publications.

Applicants submit that this editorial note provides published evidence of the recognition given to the great importance of the presently disclosed and claimed invention. This secondary evidence clearly and strongly rebuts any possible *prima facie* case of obviousness of the presently claimed invention.

Submitted in the present IDS is a news item published online at the URL foodnavigator-usa.com, in August 2008, reporting the settlement of various lawsuits against manufacturers of food products containing acrylamide. This item is relevant to the presently disclosed and claimed invention particularly in the last sentence on page 1 of the attachment, which states: "Studies are also *beginning to emerge* that show citric, lactic, tartaric, and hydrochloric acids, and

antioxidants, may reduce acrylamide levels." (Emphasis added.) This statement shows that the effect achieved by the presently claimed invention was previously unknown and not recognized in the food industry. Thus, this note shows that even as of August, 2008, people in the industry were still just beginning to learn about the methods of the present invention.

Applicants submit that, the mere fact that such an effect may have inadvertently occurred, in a method such as that of Willard, does not anticipate or render obvious the present invention. It has only recently been recognized that such treatments could be used to avert formation of acrylamide in foods.

Submitted in the present IDS is a paper entitled "The CIAA Acrylamide "Toolbox", dated February 2009. This paper is directed to the myriad methods that have been attempted to reduce the formation of acrylamide in foods. Of most relevance to the present application is the entry on page 23, stating that "addition of citric or ascorbic acid has been found to successfully reduce AA [acrylamide] and is used industrially for some types of formulated products." While the entry also indicates there are still some problems to be worked out, it recognizes what the present inventors previously discovered, that use of such acids to reduce the pH of foods can reduce the formation of acrylamide in the foods. This is exactly what is disclosed and claimed in the present application.

In conclusion, the object and constitution of the present invention are quite different from those of the cited references, Willard, Lozano, Slaybaugh and Cole. Applicants respectfully submit that the present invention cannot be easily conceived by a person skilled in the art and therefore is not anticipated and could not have rendered obvious by the prior knowledge in the art. Therefore, Applicants respectfully submit that the present invention has both novelty and inventiveness over the cited references, Willard, Lozano, Slaybaugh and Cole.

For the above reasons it is believed that the subject-matter now on file is in a condition for allowance.

Conclusion

Applicants respectfully submit that, for at least the foregoing reasons, the presently claimed invention fully patentably distinguishes over the prior art of record and over the prior art generally. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejections of Applicants' claims, and to allow the claims and application to issue in a patent.

In the event issues arise as a result of the filing of this paper, or remain in the prosecution of this application, Applicants request that the Examiner telephone the undersigned attorney to expedite allowance of the application. No additional fee is believed due for the newly added claim, since a total of only 17 claims are pending in the application. If any additional fees are required for the filing of this paper, the Commissioner is authorized to charge those fees to Deposit Account #18-0988, Docket No. NAMNP0104US.

Respectfully submitted,

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